

ESTTA Tracking number: **ESTTA661209**

Filing date: **03/16/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209010
Party	Plaintiff ZeniMax Media Inc.
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Submission	Withdrawal of Opposition
Filer's Name	Thomas E. Zutic
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Signature	/Thomas E. Zutic/
Date	03/16/2015
Attachments	Consented Notice of Withdrawal of Opposition Without Prejudice.pdf(228177 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark  
Application Serial No. 79/108,853  
Mark: NUKA COLA  
Filing Date: September 22, 2011  
Published for Opposition: July 24, 2012

ZENIMAX MEDIA INC.,

Opposer,

v.

CHRISTOS NTOLAS

Applicant.

Opposition No. 91209010

**CONSENTED NOTICE OF WITHDRAWAL OF  
OPPOSITION WITHOUT PREJUDICE**

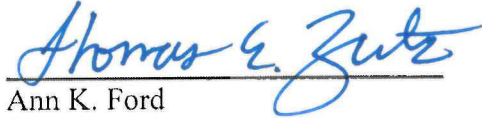
Pursuant to 37 C.F.R. § 2.106(c), and TBMP § 601.01, Opposer ZeniMax Media Inc. (hereinafter "Opposer"), by and through the undersigned counsel, hereby withdraws without prejudice Opposition No. 91209010 against Applicant Christos Ntolas' (hereinafter "Applicant") United States Trademark Application Serial No. 79/108,853 for the NUKA COLA Mark. Opposer has secured the express written consent of Applicant, by and through the undersigned counsel, for the withdrawal without prejudice of the above-referenced Opposition. *See* 37 C.F.R. § 2.106(c) and TBMP § 601.01.

Favorable consideration is respectfully requested.

Agreed and Consented To:

DLA PIPER LLP (US)

By:



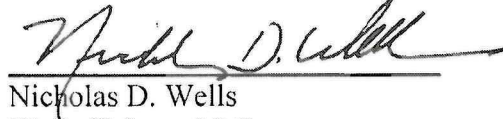
Ann K. Ford  
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*Attorneys for Opposer*

Date: March 16, 2015

WELLS IP LAW, LLC

By:



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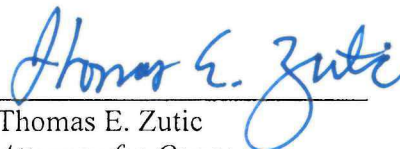
Date: March 16, 2015

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **CONSENTED NOTICE OF WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE** was served via U.S. First Class Mail, postage prepaid, and properly addressed to Applicant's counsel of record:

Nicholas D. Wells  
Wells IP Law, LLC  
299 S. Main Street, Suite 1300  
Salt Lake City, Utah 84111

this <sup>th</sup>16 day of March, 2015.

  
\_\_\_\_\_  
Thomas E. Zutic  
*Attorney for Opposer*